IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2576 OF 2003.
IN
SUIT NO. 2513 OF 2003

Kashiprasad G. Ringshia.] .. Plaintiff

Versus

1. Mangalagauri M. Mehta & Ors.] .. Defendants

Mr.Ravindra Singh for plaintiff.

Mr.D.H. Mehta for defendant Nos.1 to 3.

Mr.N.M. Shah for defendant No.4.

CORAM: ANOOP V. MOHTA, J.

DATED: 16TH SEPTEMBER, 2005

P.C. :

1. Heard. The present Notice of Motion has been taken out by plaintiff in a suit for declaration about an agreement dated 19th February, 2001, executed by defendant Nos.1 to 3 in favour of defendant No.4 in respect of the suit premises i.e. Shop No.1. Gruh Laxmi Cooperative Hsg. Society, 8th Carter Road, Borivali (East), Mumbai 400066, and all other related prayers for possession. This Notice of Motion has been

taken out by the plaintiff on 3rd September, 2003. After hearing the parties, by order dated 13th September, 2003, ad-interim relief was refused. Defendants waived Notice.

2. The learned counsel appearing for the main contesting defendant No.4 makes a statement that before filing of the suit itself, since 19th February, 2001, they were in possession of the suit premises and they are in possession since then. Therefore, there is no question of any ad-interim relief as prayed for in the present Notice of Motion. However, on the basis of instructions from his client, who is present in court, he makes a statement that they will not transfer the property or create any third party interest pending the disposal of the present suit, except leave and licence, if any.

3. In view of this, nothing survives in the present Notice of Motion and it is accordingly disposed of.

[ANOOP V. MOHTA, J.]

[srpasha@hc]